Calendar No. 555

99TH CONGRESS
2d Session

SENATE

REPORT
99-257

NEWARK PUBLIC LIBRARY

MAR 21 1986

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PRESIDENTIAL LIBRARY ACT OF 1985

MARCH 7 (legislative day, FEBRUARY 24), 1986.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany H.R. 1349]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 1349) to reduce the costs of operating Presidential libraries, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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I. NEED FOR LEGISLATION

The laws providing benefits to our Nation's former Presidents have developed piecemeal and with little regard to their overall impact. While each statute was conceived with a sound purpose in mind, the passage of some twenty to thirty years since their enactment and the failure of Congress to evaluate these programs comprehensively have resulted in overall benefit levels far exceeding original expectations, both in terms of the amounts and the purposes for which funds are spent.

The Presidential Libraries Act of 1955 fits this characterization. While private parties finance the establishment of Presidential li-

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braries, the federal government operates and maintains them in perpetuity. The cost of libraries has grown from $63,745 in 1955 to an estimated $15,734,000 in 1985. During hearings on the Library Act in 1955, it was estimated that each additional library would generate a requirement of $100,000 annually for operation and maintenance. With seven operational libraries now in existence that cost approximates $2 million per year per library. The cost growth has been so extensive it cannot be attributed solely to the addition of new facilities.

Legislation amending the Presidential Libraries Act is needed to reduce the taxpayer costs associated with Presidential libraries and to strengthen the role to be played by the Archivist of the United States in preserving, protecting, and sharing our nation's heritage. The Archivist needs to be able to assure reasonable standards and controls upon the establishment of new Presidential libraries. Therefore, one purpose of this legislation is to strengthen the Archivist's ability to assure that the building, equipment, and other facilities comply with minimum standards. These standards will be presented by the Archivist and will relate to suitability for use for archival purposes. The statutory limitation of a single facility not to exceed 70,000 square feet before an additional endowment is required should enable the Archivist to assure a reasonable facility is dedicated for a Presidential library.

Finally, legislation like this is also needed to ensure that establishing Presidential libraries is well coordinated, that their operation is more cost effective, and that the libraries are subject to some carefully defined limits. Presidential libraries must be subject to strong cost discipline and effective controls. This illustrates a second purpose of this bill and that is to establish a new mechanism for funding the ongoing operational costs of future Presidential libraries. The endowment requirements put forth will reduce the taxpayer cost of operating future Presidential libraries. As noted in the House Committee Report to this legislation (H. Rpt. 99–125), had the provisions of the bill been in effect since the inception of the Presidential library system, the expenditure of appropriated funds might have been reduced in fiscal year 1984 from $15 million to less than $8 million, if one were to discount the effects of inflation.

II. Summary

The "Presidential Libraries Act of 1986" establishes the Archivist of the United States as responsible for managing Presidential libraries. The Archivist is to create architectural and design standards for the construction of Presidential libraries by private parties. The standards apply to any facility erected or modified after the date this Act becomes law. The archivist may accept—as private gifts or pursuant to agreements with state and local governments, institutes, or foundations—land, facilities and equipment as are needed to operate and maintain a Presidential library.

The Act prohibits the Archivist from making any agreement for a Presidental library unless he determines an endowment equal to 20 percent of the total cost of the facility is provided. Income from

the endowment will be earmarked and used to help pay for the operating and maintenance costs of the library.

The bill also requires all new libraries to be in a single facility whose size shall be limited to 70,000 square feet, unless additional endowment requirements are met to pay for operating and maintenance costs associated with space beyond the limit. The requirements for the endowment and space of a Presidential library apply to Presidents elected after January 20, 1985.

The Act requires the Archivist to submit a library prospectus to Congress for a 60-day review period before he may act to accept responsibility to operate and maintain a library. The submission must include an estimate of all federal costs associated with the library and an estimate of the annual cost to the government for operation and maintenance.

The Act also requires all modifications to libraries be subject to similar Congressional review requirements.

The bill mandates that endowments be established in the National Archives Trust Fund for each of the existing Presidential libraries not subject to the 20 percent endowment requirement.

The bill also clarifies the authority of the Archivist to solicit, as well as accept and receive, gifts or bequests.

The Act mandates a feasibility study by the Archivist for establishing a museum of Presidents.

III. Legislative History

On October 2, 1985, the Committee on Governmental Affairs ordered H.R. 1349 to be reported favorably with an amendment in the nature of a substitute. The substitute amendment embodied Title I of S. 1047, the Former Presidents Facilities and Services Reform Act of 1985.

S. 1047 consists of three titles, relating to Presidential libraries, office staff and allowances, and secret service protection. Title I concerns Presidential libraries.

The 99th Congress is the fourth Congress in which legislation similar to S. 1047 has been introduced. The bill is sponsored by Senator Chiles and cosponsored by 19 other Senators, including the Chairman of the Committee on Governmental Affairs, Senator Roth. The other Senators are: Pryor, Kassebaum, Burdick, Cohen, Hollings, DeConcini, Sasser, Exon, Nickles, Lugar, Boren, Proxmire, D'Amato, Grassley, Goldwater, Zorinsky, Durenberger, and Boschwitz.

In the 98th Congress, S. 563, the predecessor to S. 1047 was reported to the Senate by the Committee on Governmental Affairs but was not considered by the full Senate. The Committee Report on S. 563, Senate Report 98–637, discusses further the legislative history in previous Congresses associated with Title I of S. 1047.

H.R. 1349 was reported to the full House by the House Committee on Government Operations on May 15, 1985. (House Report 99–125). On June 4, 1985 the House passed H.R. 1349 by voice vote. On June 6, the bill was referred to the Senate Committee on Governmental Affairs.

H.R. 1349 is similar to a bill passed by the House in the 98th Congress, H.R. 5584. (House Report 98–856).

The bill reported by the Committee on Governmental Affairs represents the work of both the House and Senate Committees over several Congresses. The bill reported by the Committee on Governmental Affairs is similar to the bill passed by the House with one substantive exception. The bill amended by the Senate Committee now contains the limitation that Presidential libraries not exceed 70,000 square feet unless additional endowment requirements are met.

IV. Section-By-Section Analysis

Section 2 amends the definition of "Presidential archival depository" contained in the first paragraph of Section 2101 of Title 44 of the United States Code. The language "and may include research facilities and museum facilities in accordance with this chapter" is added to the existing definition to make clear that research and museum facilities may be considered as part of a Presidential library.

Section 3 amends Section 2112(a) of Title 44 of the United States Code, which is the codification of the Presidential Libraries Act as amended.

When the Archivist considers it to be in the public interest, the Archivist may accept, for and in the name of the United States, land, a facility, and equipment offered as a gift to the United States for the purposes of creating a Presidential library.

The Archivist may take title to the land, facility, and equipment on behalf of the United States, and may maintain, operate, and protect them as a Presidential library within the national archives system.

The Archivist may make agreements, as opposed to accepting transfer to title, upon terms consistent with the requirements of this section and which the Archivist considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use land, buildings, and equipment made available by them to operate as a Presidential library.

The Archivist may also maintain, operate. and protect the library as a part of the national archives system, and accept, for and in the name of the United States, gifts offered for the purpose of making any physical or material changes or addition to a Presidential library.

The Archivist will set forth architectural and design standards applicable to Presidential libraries in order to ensure that such libraries: (1) preserve Presidential records subject to Chapter 22 of Title 44 and papers and other historical materials accepted for deposit under Section 2111 of Title 44 and; (2) contain adequate research facilities.

The terms "architectural" and "design" standards are not intended to imply the Archivist will rigidly set forth what a library facility will look like. They are intended to mean the Archivist will establish functional requirements for an archival depository and museum. The facade of a facility, for example, would not be dictated by the standards to be promulgated by the Archivist.

Prior to accepting title or entering into any agreements for the establishment of a Presidential library, the Archivist is required to

submit a written report on the proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives. The report must include:

1. A description of the land, facility and equipment offered as a gift or to be made available without transfer of title.
2. A statement specifying the estimated total cost of the proposed library and the amount of the endowment required for the library.
3. A statement of the terms of the proposed agreement, if any.
4. A general description of the types of papers, documents, or other historical materials proposed to be deposited in the Presidential library, and the terms of the proposed deposit.
5. A statement of any additional improvements and equipment associated with the development and operation of the library, an estimate of the costs of the improvements and equipment, and a statement of the costs to be incurred by any federal or state government agency. This provision is intended, among other things, to enable the Congress to identify and evaluate all federal funds, including funds spent by agencies of the government other than the National Archives, associated with the development and operation of the proposed library facility.
6. An estimate of the total annual cost to the United States of maintaining, operating, and protecting the library.
7. A certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist.

Before accepting any gift for the purpose of making any physical or material change or addition to a Presidential archival depository, the Archivist will submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report will include:

1. A description of the gift.
2. A statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the library in order to meet the cost of the change or addition.
3. A statement of the purpose of the proposed change or addition and a general discription of any papers, documents, or historical materials proposed to be deposited in the library as a result of the change or addition.
4. A statement of any additional improvements or equipment for the library associated with the change or addition.
5. An estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the library that will result from the change or addition.
6. A certification that the library and the equipment, after the change or addition, comply with the standards promulgated by the Archivist.

The Archivist may not: accept or take title to land, a facility, or equipment; enter into any agreement or any other agreement to accept or establish a Presidential library; or accept any gift in order to make any physical or material change to a Presidential library until 60 calendar days of continuous session of the Congress have expired since the date the report was submitted.

The term "continuous session of Congress" is to be interpreted as follows: "Neither the days following a sine die adjournment nor the days on which either House is not in session because of adjournment of more than three days to a day certain count in computing the 60 continuous days."

The 60-day period is intended to enable Congress to hold hearings or otherwise review and examine the prospectus. The Archivist is authorized to proceed as described in the prospectus after the 60-day period has expired. The Congress may take separate legislative action to express its approval or disapproval of a proposed Presidential library during this period. Expiration of the review period is not to be interpreted to permit the Archivist to take title or make agreements for the purposes of a library facility which is different or changed from that described in the prospectus. If the arrangements of the library are to be different from that described in the required prospectus, then a new or amended prospectus would be required and a new 60-day period would have to expire before the Archivist could proceed.

Section 3(b) of the bill amends Section 2112(g) of Title 44, United States Code, which is codification of the Presidential Libraries Act as amended.

When the Archivist considers it to be in the public interest, the Archivist may solicit and accept gifts or bequests of property and money for the purpose of maintaining, operating, protecting, or improving a Presidential library.

The proceeds of gifts or bequests, together with the proceeds from fees from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, will be paid into an account in the National Archives Trust Fund and applied toward facility operations costs or improvement of the respective Presidential library.

The Archivist will establish a Trust Fund of separate endowments for the maintenance of the land, facility, and equipment of each Presidential library. This Trust Fund will be credited with any gifts or bequests that are offered for the purpose of maintaining the land, facility, and equipment of each Presidential library. Income to each endowment will be available to cover facility operations costs but will not be available for the performance of archival functions under this title.

Income to the endowments may not be used to cover the costs identified by the National Archives and Records Administration as "program costs." These costs include the values and expenses of the Archives personnel employed at the Presidential libraries and the costs of cataloging, preserving, reproducing, restoring, and exhibiting the Presidential and other records and materials in the care and custody of the Presidential library. The term "cost of facility operations" is intended to include the terminology employed by the National Archives and Records Administration, operation and maintenance costs, protection costs, actual costs and common distributables. The intent, consistent with that of the House (See H. Rept. 99-925, p. 11), is that income from the endowments is to be applied to functions beyond the "core" archival responsibilities. The basic responsibility to preserve and care for Presidential records is a government responsibility.

The Archivist shall not accept or take title to any land, facility, or equipment, or enter into any agreement to use any land, facility, or equipment, to create a Presidential library unless the Archivist determines an endowment equal to at least 20 percent of both (A) the total cost of acquiring and constructing the library facility and related equipment, and (B) the total cost of acquiring (or such other measure of value as is mutually agreed upon by the Archivist and the donor) the land on which the facility is situated if title to the land is to be vested in the United States or the cost to the donor of any (other than facility or equipment) improvements to the land on which the facility is situated if title is not vested.

If the library facility exceeds 70,000 square feet in area, the Archivist must determine that a proportionately greater endowment be available for any space which exceeds 70,000 square feet. The additional endowment amount is to be determined as follows: The product of the total cost of acquiring and constructing the facility plus the total cost of acquiring or improving the land upon which the facility is located, multiplied by the percentage obtained by dividing the number of square feet exceeding 70,000.

The purpose of the additional endowment requirement is effectively to eliminate added taxpayer costs that would be associated with the operation and maintenance of space exceeding 70,000 square feet. A facility of 70,000 square feet is adequate for a Presidential library. While larger facilities are not precluded, an additional endowment would be necessary.

Additional endowment requirements are also imposed if a proposed change or addition to a Presidential library would result in an increase in the costs of facility operations. The Archivist may not accept any gifts or implement any provisions of law to make such a change or addition unless the Archivist determines there is available an additional amount for deposit in the respective endowment to help cover the additional costs. The additional amount shall be equal to the difference between the amount which would have been required for deposit in the initial endowment if the change or addition had been included as part of the facility, or the date the Archivist took title or entered into an agreement in order to establish the library and the amount which was actually required.

Section 4 explains the applicability of the bill's provisions. The endowment requirements and other amendments made by Section 3(b) of the bill shall apply to any Presidential library pertaining to any President who takes the oath of office as President for the first time on or after January 20, 1985.

The provisions of Section 3(a) of the bill, including the authority to promulgate minimum standards for Presidential libraries and the authority to solicit gifts or bequests, shall take effect upon enactment.

Section 5 requires the Archivist, in consultation with the Secretary of the Smithsonian Institution and the National Capital Planning Commission, to determine the demand, space, program, and cost requirements of a museum of the Presidents.

Such a museum has been recommended by the National Capital Planning Commission [NCPC] in its comprehensive plan element titled, "Visitors to the Nation's Capital," adopted December 6,

1984. The comprehensive plan is a policy, planning, and land-use guide for the Nation's Capitol required by law.

The NCPC noted that there are inherent conflicts in use of the White House as a museum since it serves as part of the Executive Office of the President and as the President's private residence. The Commission recommended an expanded program and display to represent all 39 of the Nation's Presidents' tenure of office. Such a program would help resolve the problems in the present uses of the White House.

The feasibility of such an undertaking should be explored by the Archivist in cooperation with other affected agencies and individuals. The Secretary of the Smithsonian and other federal agencies shall cooperate with the Archivist. Such cooperation could include personnel and other assistance on a non-reimbursable basis if practicable.

The feasibility study shall explore a range of space, program, and cost options, including the establishment and operation of a museum of the Presidents in whole or in part with nonfederal funds.

V. Evaluation of Regulatory Impact

Pursuant to the requirements of paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of H.R. 1349 as well as the impact of the bill on personal privacy.

As a result of the bill there will be some regulatory impact on individuals or entities which intend to establish privately a library facility for a former President. They must be mindful of the architectural and design standards the Administrator of the General Services Administration is required to promulgate by the Act.

The Committee does not believe the legislation results in any major changes to the privacy of former Presidents, their families, or the public.

There will not be a major economic or regulatory impact on the public generally, or individuals or businesses.

VI. Estimated Cost of Legislation

U.S. Congress,
Congressional Budget Office,
Washington, DC, February 6, 1986.

Hon. William V. Roth, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1349, an act to reduce the cost of operating Presidential libraries, and for other purposes, as ordered reported by the Senate Committee on Governmental Affairs, October 2, 1985. We estimate that enactment of this legislation will have no immediate budget impact, but would result in some savings to the federal government in the 1990s and thereafter. The amount of savings cannot be estimated precisely.

Under current law, presidential libraries are built with private funds and then donated to the United States. The federal government pays for operation and maintenance of the libraries. The act provides for the establishment by gift or bequest of separate endowments in the National Archives Trust Fund for the purpose of maintaining future presidential libraries. The Archivist of the National Archives and Records Administration could not accept lands or buildings for a presidential library unless there were an amount available for endowment equal to at least 20 percent of the sum of the total cost of the building and the cost of acquiring the land (or the cost of improvements to the land if it is not donated to the United States). Endowments would also be required in conjunction with gifts for making changes to a library that would result in increased operations costs. Income from the endowments would be available for operations costs but not for archival functions. Therefore, the federal government would be responsible only for operation and maintenance costs of future presidential libraries that are not offset by income from the endowments. Currently, such costs average about $1 million annually for each of the seven libraries. This act applies only to Presidents who take the oath of office for the first time after January 20, 1985. Therefore, it is unlikely that any savings will be achieved until the 1990s.

The act would also require the Archivist, in consultation with the Smithsonian Institution and the National Capital Planning Commission, to study the demand for and the cost of establishing a museum of the Presidents. The study is not expected to result in significant additional costs.

Enactment of this legislation will not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

VII. ROLLCALL VOTE IN COMMITTEE

In compliance with paragraph 7(c) of rule XXVI of the Standing Rules of the Senate, the rollcall vote taken during committee consideration of this legislation was as follows:

Stevens
Mathias
Cohen
Durenberger
Cochran
Eagleton
Chiles
Levin
Gore
Roth

VIII. Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

Chapter	Sec.
1. Joint Committee on Printing	101
3. Government Printing Office	301
5. Production and Procurement of Printing and Binding	501
7. Congressional Printing and Binding	701
9. Congressional Record	901
11. Executive and Judiciary Printing and Binding	1101
13. Particular Reports and Documents	1301
15. Federal Register and Code of Federal Regulations	1501
17. Distribution and Sale of Public Documents	1701
19. Depository Library Program	1901
21. National Archives and Records Administration	2102
22. Presidental Records	2201
23. National Archives Trust Fund Board	2301
25. National Historical Publications and Records Commission	2501
29. Records Management by Archivist of the United States and by the Administration of General Services	2901
31. Records Management by Federal Agencies	3101
33. Disposal of Records	3301
35. Coordination of Federal Reporting Services	3501
37. Advertisements by Government Agencies	3701

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CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Sec.
2101. Definitions.
2102. Establishment.
2103. Officers.
2104. Administrative provisions.
2105. Personnel and services.
2106. Reports to Congress.
2107. Acceptance of records for historical preservation.
2108. Responsibility for custody, use, and withdrawal of records.
2109. Preservation, arrangement, duplication, exhibition of records.
2110. Servicing records.
2111. Material accepted for deposit.
2112. Presidental archival depository.
2113. Depository for agreements between States.
2114. Preservation of motion-picture films, still pictures, and sound recordings.
2115. Reports; correction of violations.
2116. Legal status of reproductions; official seal; fees for copies and reproductions.
2117. Limitation on liability.
2118. Records of Congress.

§ 2101. Definitions

As used in this chapter of title—

(1) "Presidental archival depository" means an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life, *and may include research facilities and museum facilities in accordance with this chapter;*

(2) * * *

* * * * * * * *

§ 2112. Presidential archival depository

(a)*(1)* When the Archivist considers it to be in the public interest, *the Archivist* [he] may *(A)(i)* accept, for and in the name of the United States, land, *a facility* [buildings], and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository[, and]; *(ii)* take title to the land, [buildings] *facility,* and equipment on behalf of the United States; and *(iii)* maintain, operate, and protect [them] *the land, facility, and equipment* as a Presidential archival depository[.] and as part of the national archives system; [and] *(B)(i)* make agreements, upon terms and conditions [he] *the Archivist* considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, [buildings,] *a facility,* and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States; and *(ii)* maintain, operate, and protect the depository as a part of the national archives system[.]*; and*

(C) accept, for and in the name of the United States, gifts offered for the purpose of making any physical or material change or addition to a Presidential archival depository.

(2) The Archivist shall promulgate architectural and design standards applicable to Presidential archival depositories in order to ensure that such depositories (A) preserve Presidential records subject to chapter 22 of this title and papers and other historical materials accepted for deposit under section 2111 of this title and (B) contain adequate research facilities.

(3) Prior to accepting and taking title to any land, facility, or equipment under subparagraph (A) of paragraph (1), or prior to entering into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository, the [The] Archivist shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

(A) a description of the land, [buildings,] *facility,* and equipment offered as a gift or to be made available without transfer of title;

(B) a statement specifying the estimated total cost of the proposed depository and the amount of the endowment for the depository required pursuant to subsection (g) of this section;

(C) [(B)] a statement of the terms of the proposed agreement, if any;

(D) [(C)] a general description of the types of papers, documents, or other historical materials proposed to be deposited in the [Presidential archival] depository [so] to be created, and of the terms of the proposed deposit;

(E) [(D)] a statement of [the] *any* additional improvements and equipment[, if any, necessary to the satisfactory] *associated with the development and* operation of the depository, [together with an estimate of the cost] *an estimate of the costs of such improvements and equipment, and a statement as to the extent to which such costs will be incurred by any Federal or State government agency;* [and]

(F) [(E)] an estimate of the *total* annual cost to the United States of maintaining, operating, and protecting the depository[.] *; and*

(G) [(F)] *a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.*

(4) Prior to accepting any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change or addition to a Presidential archival depository, or prior to implementing any provision of law requiring the making of such a change or addition, the Archivist shall submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of such gift;

(B) a statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the depository required pursuant to subsection (g) of this section in order to meet the cost of such change or addition;

(C) a statement of the purpose of the proposed change or addition and a general description of any papers, documents, or historical materials proposed to be deposited in the depository as a result of such change or addition;

(D) a statement of any additional improvements or equipment for the depository associated with such change or addition;

(E) an estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the depository that will result from such change or addition;

(F) a certification that the depository, and the equipment therein will, after such change or addition, comply with the standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

[(3) The Archivist may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.]

(5) The Archivist may not—

(A) accept or take title to land, a facility, or equipment under subparagraph (A) of paragraph (1) for the purpose of creating a Presidential archival depository;

(B) enter into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository; or

(C) accept any gift under subparagraph (C) of such paragraph for the purpose of making any physical or material change to a Presidential archival depository,

until the expiration of a period of 60 days of continuous session of Congress beginning on the date on which the Archivist transmits the report required under paragraph (3) of this subsection with respect to such Presidential archival depository or the report required under paragraph (4) of this subsection with respect to such change or addition, as the case may be.

(b) When the Archivist considers it to be in the public interest, he may deposit in a Presidential archival depository, papers, documents, or other historical materials accepted under section 2111 of this title, or Federal records appropriate for preservation.

(c) When the Archivist considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Archivist, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2111 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Archivist may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

(d) When the Archivist considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and reviewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Archivist considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g)*(1)* When the Archivist considers it *to* be in the public interest, he may [accept gifts or bequests of money or other property] *solicit and accept gifts or bequests of money or other property,* for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into *an account* in the National Archives Trust Fund *and shall* be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, [including administrative and custodial expenses as the Archivist determines.] *and for the same purposes and objects, including custodial and administrative services for which appropriations for the maintenance, operation, protection, or improvement of Presidential archival depositories might be expended.*

(2) The Archivist shall provide for the establishment in such Trust Fund of separate endowments for the maintenance of the land, facility and equipment of each Presidential archival depository, to which shall be credited any gifts or bequests received under paragraph (1) that are offered for that purpose. Income to each such endowment shall be available to cover the cost of facility operations, but shall not be available for the performance of archival functions under this title.

(3) The Archivist shall not accept or take title to any land, facility or equipment under subparagraph (A) of subseciton (a)(1), or enter into any agreement to use any land, facility or equipment under subparagraph (B) of such subsection for the purpose of creating a Presidential archival depository, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining such land, facility and equipment equal to—

(A) the product of—(i) the total cost of acquiring or constructing such facility and of acquiring and installing such equipment multiplied by (ii) 20 percent; plus

(B)(i) if title to the land is to be vested in the United States, the product of—(I) the total cost of acquiring the land upon which such facility is located or such other measure of the value of such land as is mutually agreed upon by the Archivist and the donor multiplied by (II) 20 percent; or

(ii) if title to the land is not to be vested in the United States, the product of—(I) the total cost to the donor of any improvements to the land upon which such facility is located (other than such facility and equipment) multiplied by (II) 20 percent; plus

(C) if the Presidential archival depository will exceed 70,000 square feet in area, an amount equal to the product of—

(i) the sum of—

(I) the total cost described in clause (i) of subparagraph (A); plus

(II) the total cost described in subclause (I) or (II) of subparagraph (B)(i), as the case may be, multiplied by

(ii) the percentage obtained by dividing the number of square feet by which such depository will exceed 70,000 square feet by 70,000.

(4) If a proposed physical or material change or addition to a Presidential archival depository would result in an increase in the costs of facility operations, the Archivist may not accept any gift under subparagraph (c) of paragraph (1) for the purpose of making such a change or addition, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this sub-section in an endowment with respect to such depository, an amount for the purpose of maintaining the land, facility, and equipment of such depository equal to the difference between—

(A) the amount which, pursuant to paragraph (3) of this subsection, would have been required to have been available for deposit in such endowment with respect to such depository if such change or addition had been included in such depository on—

(i) the date on which the Archivist took title to the land, facility, and equipment for such depository under subparagraph (A) of subsection (a)(1); or

(ii) the date on which the Archivist entered into an agreement for the creation of such depository under subparagraph (B) of such paragraph,

as the case may be; minus

(B) the amount which, pursuant to paragraph (3) of this subsection, was required to be available for deposit in such endowment with respect to such depository on the date the Archivist took such title or entered into such agreement, as the case may be.

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